



Thailand

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Thailand is a democratically governed constitutional monarchy that until 1992 had a history of military coups and powerful bureaucratic influences on political life. Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legislation or dissolve the elected bicameral Parliament. The coalition Government, led by Prime Minister Thaksin Shinawatra's Thai Rak Thai Party, was formed in February following the general election in January. The election process generally was viewed as free and fair; however, it was marred by widespread corruption, and the killing of 25 political canvassers during the campaign leading up to the elections. The judiciary is independent, but is subject to corruption.

The security forces have wide-ranging legal powers, derived primarily from past militarily controlled administrations. The armed forces have become increasingly professional and increasingly subject to civilian control. Their influence in politics has been diminishing. The Royal Thai Police have primary responsibility for internal security and law enforcement. Elements of both the armed forces and the police have a reputation for corruption. Some members of the security forces committed serious human rights abuses.

The country has a population of approximately 60,000,000. It is a newly industrializing country with a market-based economy and strong tradition of private enterprise, although state enterprises play a significant role in some sectors. Gross domestic product (GDP) growth is estimated at 1-2 percent during the year. Annual per capita income is approximately \$2,000; depreciation of the local currency during the 1997-99 financial crisis magnified declining income. Roughly 60 percent of the population remains rural and agricultural, although agriculture only accounts for approximately 10 percent of GDP. Rice and other agricultural and fisheries products are important exports, as are electrical goods, textiles, and automobiles. Government efforts to narrow the gap between urban and rural living standards have met with mixed success, and the Government increasingly focused on education and investment promotion in poor areas to reduce disparities in income distribution. Although government regulation generally provides protection for individual economic interests, including property rights, a lack of transparency in bureaucratic decisionmaking and a gap between regulation and enforcement sometimes leads to uneven treatment of some firms and institutions. Some areas of Government remain subject to corruption.

The Government generally respected the human rights of its citizens; however, significant problems remain in several areas. Police officers killed a number of criminal suspects while attempting to apprehend them. The Government remained reluctant to prosecute vigorously those who committed such abuses, resulting in a climate of impunity. Police occasionally beat suspects, at times to coerce confessions. An ingrained culture of corruption persists in many parts of the civilian bureaucracy and in the security forces. Routine demands for bribes undermine the rule of law and permit the continuation of various illegal activities such as income tax evasion, illegal gambling, drug violations, goods smuggling, trafficking in persons, and prostitution. Enforcement of a broad range of laws and regulations by police continued to be noticeably lax. Conditions in prison and immigration detention facilities are poor due to severe overcrowding. Lengthy pretrial detention and the prolonged detention of some aliens remain problems. The judiciary suffers from corruption and at times security forces infringed on citizens' privacy rights. The Government issued warnings to several publications, and the media practiced some self-censorship and experienced some editorial interference by the Government. There were some restrictions on freedom of movement. The Government hindered the activity of some human rights groups. The 1997 Constitution increased legal protections for women and the disabled; however, some inequities in the law remain. Violence and societal discrimination against women are problems. Trafficking in women and children and coerced prostitution are serious problems. Societal discrimination against hill tribes and religious and ethnic minorities persists. There were reports of forced labor and child

labor.

The 1997 Constitution contains provisions designed to combat corruption and increase government accountability, transparency, and public participation in the political process. The Government has adopted implementing legislation to bring government practice in line with these reforms, and in July the constitutionally mandated National Human Rights Commission commenced operation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings during the year by government agents; however, legal organizations, reputable nongovernmental organizations (NGO's), and the press continued to report that some police officers used unwarranted lethal force in apprehending criminal suspects. Armed alleged drug traffickers in particular continued to confront and threaten police officers violently, and officers used deadly force during some arrest attempts. During 2000 police killed 50 criminal suspects, statistics were not yet available for 2001.

There were press allegations that the government considered forming "killing teams" to assassinate suspected drug traffickers. The Prime Minister and other government officials publicly denied the reports, stating that such a measure would be illegal and would violate human rights principles.

The two senior police officers arrested in the June 1999 Nonthaburi abduction and killing of a suspected car thief were freed on bail and returned to their positions. An internal investigation of the killings continues; a civil suit filed by relatives of the victims was settled out of court in July.

The trial of the police officer charged in the 1996 killing of farmer activist Joon Bhoonkhuntod was dismissed for lack of evidence on October 18, after the victim's family accepted a monetary settlement from the officer. The Office of the Attorney General has not yet decided whether to prosecute police allegedly involved in the 1996 Suphanburi killings of suspected drug dealers.

In the past, when the Government investigated extrajudicial killings, it prosecuted few police or military officers accused of such abuses. A senior prosecutor in 1999 stated that 99 percent of all cases in which government officials were accused of extrajudicial killings were dropped on the basis of insufficient evidence. Senior prosecutors and legal associations claimed that most cases eventually were dismissed because regulations outlined in the Criminal Code required public prosecutors to rely exclusively upon the recommendations of the police when determining whether to bring a case for criminal prosecution. Initial inquiries were carried out by police officers, often from the same units allegedly responsible for the killing. Credible sources reported that police investigators routinely determined that police took no wrongful action. Routine exoneration of police officers contributed to a climate of impunity that was a significant factor in preventing any major change in police behavior. It also discouraged relatives of victims from pressing for prosecution. However, in June 2000, a new procedure for investigating suspicious deaths, including deaths occurring while the individual is in custody, took effect as part of the amended Criminal Procedure Code. It requires, among other things, that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that family members may have legal representation at the inquests. Thus far the effects of the reforms appear limited. The most notable case reflecting a changed climate actually concluded in May 2000 before the reforms officially entered into effect, when 10 policemen were sentenced to life imprisonment for the 1994 killings of 4 municipal officials.

Families rarely take advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrest. If pursued by the family, the case is handled by the same office--in some instances by the same prosecutor--who already has ruled that no criminal action occurred. There is no information available to determine how many cases are settled out of court. However, in cases in which suits are filed, the official charged often compensates the family of the deceased, and the lawsuit is waived.

There were 25 killings of political canvassers during the election campaigns leading up to the January general election and March 2000 Senate elections. All the victims worked for political parties, and, although some of the killings apparently were politically motivated, many appeared to be the result of personal disputes. Police arrested several persons in connection with killings that were motivated by both political and private disputes. Investigations into these cases continued at year's end.

In past years, conflicts along all four of the country's borders as well as internal insurgency resulted in the

placement of landmines, and, over the last 2 years, 346 persons have been killed or injured in landmine or unexploded ordnance incidents. The Government is strongly committed to removing all landmines and unexploded ordnance, and the country's security forces have not laid landmines in recent years.

b. Disappearance

There were no reports of new politically motivated disappearances during the year.

In February 2000, following border clashes involving Burmese, Thai and Karen forces, a large group of Karen crossed into Thailand seeking safety. Some of the Karen fighters were associated with a small splinter group, commonly referred to as God's Army. The Thai military reportedly separated 55 males from the group. The family members of those 55 have had no word from them since that time. There were allegations that the 55 men were executed. However, no physical evidence has been provided to support these claims. The Thai military stated that the group of 55 voluntarily returned to Burma to continue their fight against the Burmese army.

As a result of a request made under the Official Information Act by the victims' families, the Government in May 2000 released the Defense Ministry's report on the military forces' suppression of political demonstrations in May 1992. The report provided no new information on the whereabouts of the remaining 38 prodemocracy protesters still listed as missing. Most, if not all, are presumed dead by family members and NGO's.

The results of a government investigation into the 1991 disappearance of Labor Congress of Thailand president Thanong Po-an conducted by the House Justice and Human Rights Standing Committee have never been released to the public. In March labor activists filed a request under the Official Information Act for information regarding the case. In July the President of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) wrote to the Prime Minister to request public release of information on the 10th anniversary of Thanong's disappearance. There was no official response by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the Criminal Code prohibit such practices; however, NGO's and legal organizations continue to report that some members of the police occasionally beat suspects in order to coerce confessions. During the year, there were newspaper reports of six cases in which citizens accused police of brutality, threatening false charges, and extorting bribes. Investigations were undertaken in four of the cases, including one in which the accused police officer was suspended pending the result of the internal investigation. Authorities also investigated and prosecuted police officers accused of raping and extorting sex from female suspects in detention.

In May two women accused a police officer of raping them in jail while they were serving a sentence on drug charges. The officer was suspended from duty and released on bail. The rape case against him was being tried at year's end.

Police and prosecutors continued to investigate a November 2000 incident in which villagers allegedly paid by the Government violently dispersed a protest by the NGO Assembly of the Poor at the Pak Mun dam seriously injuring 4 protesters and burning more than 500 temporary shelters (see Section 2.b.).

Among junior police officers, corruption remains widespread. Police officials complain that low pay for members of police forces makes them susceptible to bribes.

Some corrupt police and soldiers are involved in prostitution and trafficking in women and children (see Sections 5, 6.c., and 6.f.).

Prison conditions are poor but in general they do not threaten the life or health of inmates. Already severe prison overcrowding worsened during the year due to increased numbers of persons imprisoned for drug-related offenses (of more than 240,000 prison inmates, approximately 140,000 were charged with narcotics violations). The total prison population of approximately 242,000 inmates is housed in 156 prisons that have a total design capacity of 100,000 prisoners. Sleeping accommodations and access to medical care remain areas of concern. Medical care in prisons is inadequate. The Corrections Department employs only 17 full-time doctors and 7 full-time dentists. Prison authorities sometimes used solitary confinement to punish difficult prisoners. They also used heavy leg irons as a means of controlling and punishing prisoners. Credible sources continued to report that prisoners captured in escape attempts were beaten severely. Male and female prisoners in official remand centers and prisons are segregated, and juveniles are held separately in 34 of the 76 provinces. Men, women, and children often are held together in police station holding cells pending

indictment.

Conditions in Bangkok's Suan Phlu Immigration Detention Center (IDC) and in provincial detention centers remained very poor. Immigration detention facilities are not administered by the Department of Corrections and are not subject to many of the regulations that govern the regular prison system. Some foreigners face trial delays of up to 6 months. Overcrowding and shortages of food and water in the immigration detention centers remain significant problems.

Access to prisons is not restricted, and the Government permits visits by independent human rights monitors and the International Committee of the Red Cross.

d. Arbitrary Arrest, Detention, or Exile

With few exceptions, including crimes in progress, the law requires police officers making an arrest to have judicial warrants, and authorities generally respect this provision in practice. Under the Constitution, persons must be informed of likely charges against them immediately after arrest and must be allowed to inform someone of their arrest. Detainees have a right to have a lawyer present during questioning, and the police generally respect this right in practice. Foreign prisoners sometimes are forced to sign confessions without benefit of a competent translator.

Police also are required to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest; however, the law also allows an extension period of up to 3 days. Police also may seek court permission to hold suspects for additional periods (up to a maximum of 82 days for the most serious offenses) to conduct investigations. In addition laws and regulations place any offense for which the maximum penalty is less than 3 years under the jurisdiction of the district courts, which have different procedures. In these cases, police are required to submit cases to public prosecutors within 72 hours of arrest. Lawyers report that the police rarely bring their cases to court within the 48-hour period. There is a functioning bail system.

The Anti-Communist Activities Act, which formerly provided the only legal basis for detention by the police without specific charges for long periods (up to 480 days), expired on June 3.

Approximately 28 percent of the total prison population were pretrial detainees. Pretrial detainees usually are not segregated from the general prison population. Pretrial detention of criminal suspects for up to 60 days is common. Some foreigners held in immigration detention facilities face trial delays of up to 6 months (see Section 1.c.).

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, while the judiciary generally is regarded as independent, it is subject to corruption and has a reputation for venality.

The civilian judicial system has three levels of courts, as well as an independent Constitutional Court: courts of first instance; courts of appeal; and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law (which was last in effect in the country in 1992). There is no right to appeal military court decisions. The Constitutional Court, charged with interpreting the Constitution, began operating in 1998. The courts became fully independent of the Ministry of Justice and responsible for its own administration and budget in August 2000. Islamic (Shari'a) courts hear only civil cases concerning members of the Muslim minority. Access to courts or administrative bodies to seek redress is provided for and respected.

There is no trial by jury. A single judge decides trials for misdemeanors, and two or more judges are required for more serious cases. Trials often require years to complete because they run sporadically, typically convening for a single day every few months. While most trials are public, the court may order a closed trial. This is done most often in cases involving national security or the royal family. Judges are career civil servants and judicial appointments and judicial bodies are not subject to parliamentary review.

The Constitution provides for the presumption of innocence. Defendants tried in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provides free legal advice to the poor, but indigent defendants are not provided with counsel at public expense automatically. Most free legal aid comes from private groups, including the Law Society of Thailand and the

Thai Women Lawyers Association.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Except for limited exceptions, the Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. With a few exceptions, including crimes in progress, the Constitution requires police to obtain a warrant from a court prior to conducting a search. However, the procedures for issuing warrants are not standardized, primarily because various laws such as the Criminal Procedure Code and internal government regulations, including those that apply to the police department, have not been amended to comply with the Constitution. The laws must be amended to comply with the Constitution by 2002.

Lawyers' associations reported that police at times used blank search warrants rather than obtaining judicial approval or used legitimate warrants to conduct intrusive searches outside the stated evidentiary domain. NGO's concerned with the welfare of highlanders reported that police and military units carried out several warrantless searches of villages for narcotics in northern provinces during the year. Such operations are permitted under both the Constitution and the Narcotics Prevention and Suppression Act of 1976 in cases in which there is reasonable suspicion and an urgent search is deemed necessary. However, some academic groups claimed that the searches were arbitrary and violated the villagers' civil rights. The Anti-Communist Activities Act, which had allowed officials engaged in "Communist suppression operations" to conduct searches without warrants, expired in June (see Section 1.d.).

In June the National Countercorruption Commission found two Telephone Organization of Thailand technicians responsible for malfeasance in the June 2000 wiretapping of the residential telephone of Wira Somkhwamkhit, an anticorruption activist. The Commission had not yet taken further action on the cases and had not yet been able to identify the person who ordered the wiretaps by year's end (see Section 4).

Security services monitor persons, including foreign visitors, who espouse extremist or highly controversial views.

Section 2 Respect For Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for a large measure of freedom of speech and of the press, and the Government generally respects these rights in practice. However, the Government may restrict these rights to preserve national security, maintain public order, preserve the rights of others, protect public morals, prohibit criticism of the royal family (*lesé majesté*), or prevent insults of Buddhism.

The Constitution makes it unlawful for the Government to censor, ban, license, or restrict print or broadcast media, except by specific legislation in times of crisis. While newspapers and periodicals practice some self-censorship, especially with regard to the monarchy and issues involving national security, media criticism of political parties, public figures, and the Government is common and vigorous. Journalists generally are free to comment on governmental activities without fear of official reprisal.

During the year, there were no cases of violence or physical intimidation against members of the press. The case of army officers arrested in the April 2000 nonfatal shooting of the editor in chief of the Chiang Mai daily newspaper Pak Nua was being tried at year's end. The editor believed that his repeated critical reporting on the local government led to the assault.

Between January and December, the Royal Thai Police Special Branch issued 14 warnings to publications for violations of the 1941 Printing and Advertisement Act such as disturbing the peace, interfering with public safety, and offending public morals. In March the Nation newspaper received a telephone call from the Special Branch, which accused the newspaper of endangering national security for printing a story critical of Foreign Minister Surakiart Sathirathai's trip to Burma. In July the newspapers Thai Rath and Krungthep Turakit received warning letters from the Special Branch after they made reference to a Reuters wire service article that had speculated on the consequences were Prime Minister Thaksin Shinawatra to be found guilty of assets concealment by the Constitutional Court. The 1941 Act permits police closure of newspapers or printing presses in times of war or national emergency, but only with a court order. No such closures occurred during the year. Legislation was proposed in 1998 to revoke the act. The Juridical Council approved the revocation of the act, but final revocation awaits approval by the Council of State.

The law allows police to restrict or confiscate printed publications and other materials deemed obscene; the interpretation generally is limited to hardcore pornographic material.

Domestic publications continued to present a wide range of political and social commentary. Unless critical of the royal family or the monarchy, foreign and domestic books normally are not censored and circulate freely. Police have the authority to ban the importation of publications but generally do not exercise it. The 1952 Anti-Communist Activities Act, which had been created to counter the threat of communism through media restriction, expired in June.

Radio and television stations enjoy the same constitutional protections of freedom of expression and speech as the print media. The Government licenses all radio and television stations, and most are operated under the direct or indirect oversight of the Government or the armed forces. Radio and television station profits are retained by organizations that control frequencies, such as government ministries, universities, and the military services. The military services retain 40 to 50 radio and television frequencies for national security purposes, despite assurances by the civil authorities that the military services may use all broadcasting frequencies in the event of a national emergency without the need to own them.

Radio stations must renew their licenses every year, and their signals are broadcast via government transmitters. They are required by law to broadcast government-produced newscasts twice daily, 30 minutes each in the morning and evening.

There is one cable television network. It enjoys almost complete autonomy under the indirect oversight of the Mass Communications Authority of Thailand. A 24-hour news channel that is owned by the Nation Multimedia Group operates exclusively on cable television.

There is one independent, noncable television station, Independent Television (iTV), its managing shareholder is Shin Corporation, which is owned by the Prime Minister's family. Journalists and academics previously had accused the government and the Prime Minister of editorial interference in iTV's coverage, but without substantiating their allegations. On February 7, 23 iTV staff members were fired after they had formed a union and publicly complained of political interference in the station's editorial content. The station's management cited breach of company regulations and restructuring as the basis for the firings (see Section 6.a.).

Programmers generally are free to determine the nature and content of television broadcasts. Stations occasionally censor or "black out" portions of programming that they deem politically sensitive or pornographic. Such self-censorship is more common at state-controlled stations. During the year, media critics accused the Government of interference in news coverage broadcast by state-controlled television stations. In August the Thai Broadcast Journalist Association filed a lawsuit against the Prime Minister in the Administrative Court, accusing him of 14 instances of editorial interference that violated the constitutional provision of press freedom. The case was pending at year's end. A censorship board exists as part of the office of the Prime Minister; however, it rarely formally restricts television or radio broadcasts. It advises broadcasters either verbally or by letter of specific programs deemed inappropriate or offensive, and advises the programmer to be more careful in the future.

The Constitution calls for fewer restrictions on broadcast media and the establishment of an independent National Broadcasting Commission (NBC) to oversee frequency management. The seven Commission members are expected to be selected from four broad categories: government, broadcasting, NGO's, and universities. Selection of the NBC was postponed indefinitely due to a lawsuit filed in the Administrative Court alleging conflict of interest and corruption in the nomination process. The NBC is to be authorized to redistribute frequencies previously controlled by the Government to eligible organizations or individuals in the country. The media criticized the proposed implementation regulations, arguing that they contain broad censorship powers and allow the Government to retain a large number of its frequencies.

Under the 1930 Film Act, theater owners and broadcasters must submit films that they plan to show to the film censorship board for review. The board may ban films if its requirements that portions of the film be removed are not met. Reasons for censoring films include violating moral and cultural norms and disturbing the public order and national security. Theater owners and broadcasters frequently censor films themselves before submitting them to the board. According to the office of the Film Censorship Board, 179 films were submitted for review in 2000, none of which were banned.

Activity on the Internet remains unregulated. According to the National Electronics and Computer Technology Center, an estimated 3.5 million persons use the Internet.

The Constitution provides for the right to engage in academic pursuits, and academic freedom is respected.

The Ministry of Education edits public school textbooks. No textbooks were censored during the year.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Permits are not required for private meetings or gatherings unless held on public property or organized by foreign nationals; these are granted routinely.

In November 2000, in Ubon Ratchanthani province, villagers allegedly paid by the Government's electric power authority violently dispersed a longstanding protest at the Pak Mun dam by the Assembly of the Poor, an NGO focusing on issues of poverty and the environment. The villagers seriously injured 4 protesters and burned more than 500 temporary shelters. The protesters argue that the dam displaced local residents and negatively affected their livelihoods and the environment. Police and prosecutors continued to investigate the case at year's end.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Private associations must register with the Government; such registration is approved routinely.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respects this right in practice; however, it restricts the activities of some groups. The Constitution requires that the monarch be a Buddhist. The state religion is in effect Theravada Buddhism; however, it is not designated as such.

The Government plays an active role in religious affairs. The Religious Affairs Department (RAD), which is located in the Ministry of Education, registers religious organizations. In order to be registered, a religious organization first must be accepted into an officially recognized ecclesiastical group. There are seven such groups, including one for Buddhists, one for Muslims, one for Catholics, and four for Protestant denominations. Government registration confers some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Although some activities of groups that have not been accepted into one of the existing recognized groups have been restricted, in general unregistered religious organizations operate freely. There were no reports of the extortion of unregistered groups by local officials during the year.

Under the provisions of the Religious Organizations Act of 1969, the RAD recognizes a new religion if a national census shows that it has at least 5,000 adherents, has a uniquely recognizable theology, and is not politically active. However, since 1984 the Government has maintained a policy of not recognizing any new religious faiths. This has restricted the activities of some groups that have not been accepted into one of the existing religious governing bodies on doctrinal or other grounds.

The Constitution requires the Government "to patronize and protect Buddhism and other religions." The Government subsidizes the activities of the three largest religious communities (Buddhist, Islamic, and Christian). Since mid-2000 the Government has provided more than \$48 million (2.1 billion baht) to support Buddhist and Muslim institutes of higher education; to fund religious education programs in public and private schools; to provide daily allowances for monks and Muslim clerics who hold administrative and senior ecclesiastical posts; and to subsidize travel and healthcare for monks and Muslim clerics. This figure also includes an annual budget for the renovation and repair of Buddhist temples and Muslim mosques, the maintenance of historic Buddhist sites, and the daily upkeep of the Central Mosque in Pattani.

During the year, the Government also provided \$66,000 (3 million baht) to Christian organizations to support social welfare projects. Catholic and Protestant churches may request government support for renovation and repair work but do not receive a regular budget to maintain church buildings nor do they receive government assistance to support their clergy. The Government considers donations made to maintain Buddhist, Muslim, or Christian buildings to be tax-free income; contributions for these purposes are also tax-deductible for private donors.

Religious instruction is required in public schools at both the primary (grades 1 through 6) and secondary (grades 7 through 12) education levels. Students at the primary level are required to take 80 hours of instruction per academic year in religious studies classes. Instruction is limited to Buddhism and Islam. During the year, some parts of the country with large Muslim student populations did not have Muslim studies courses. Muslim students in these schools generally were directed to school libraries to participate in Muslim self-study courses.

National identity cards produced by the MOI include the religious affiliation of the holder. The change was implemented in 1999 in response to the demands of parliamentarians for simpler identification of persons who required Muslim burial. Persons who fail or choose not to indicate religious affiliation in their applications may be issued cards without religious information.

In February Thai Falun Gong members voluntarily decided not to proceed with plans to organize an international meeting in Bangkok, originally proposed for April. Their decision was in response to unofficial indications from the Government that it did not favor such a conference. There were reports that the Government of the People's Republic of China (PRC) had pursued an aggressive campaign against the meeting.

The Government has investigated religious groups alleged to be engaged in "cult" activities. In 1998 the National Security Council and the House Standing Committee on Religion, Arts, and Cultural Affairs initiated an investigation into the alleged "cultish practices" of the Hope of Thai People Foundation after complaints were filed at the RAD by parents claiming that their children had isolated themselves from friends and family after joining the church. In January 1999, the House Standing Committee moved to consider a petition filed by a Senator requesting that the Foundation's activities be investigated. In response the Foundation filed a lawsuit against the Committee chairman for defamation in May 1999. The lawsuit against the former chairman, now a Senator, remained in litigation at year's end. No further action was taken before the Committee disbanded at the end of the parliamentary session in November 2000.

The Government permitted foreign missionary groups to work freely throughout the country, although it also maintained policies that favored proselytizing by citizens. The number of foreign missionaries officially registered with the Government is limited to a quota that originally was established by the RAD in 1982. The quota is divided along both religious and denominational lines and is considered sensitive for this reason. There were no reports during the year that foreign missionaries were deported or harassed for working without registration, although the activities of Muslim professors and clerics were subjected disproportionately to scrutiny on national security grounds because of continued government concern about the potential resurgence of Muslim separatist activities in the south.

Laws prohibiting speech likely to insult Buddhism remain in place under the 1997 Constitution. The police, have authority under the law to issue written warnings or orders suspending the publication or distribution of printed materials considered offensive to public morals; however, they did not use it to restrict the publication or distribution of religious literature during the year. The police used the law in 1999 to confiscate a book written by a Phra Dhammakaya temple follower, that attacked a monk who is one of the chief critics of that temple. In December 1999, the police issued an arrest warrant for the author for defamation of character. By year's end, no arrest had been made in the case. The law also requires all theater owners and broadcasters to submit films scheduled for screening to a government film censorship board for review (see Section 2.a.).

Muslim female civil servants are not permitted to wear headscarves when dressed in civil servant uniforms.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of citizens to change their residence or workplace, and authorities generally respect this right in practice; however, there were some exceptions. Longstanding written restrictions on the travel and domicile of certain Vietnamese resident aliens who immigrated to Thailand in 1945 and 1946, and Chinese who immigrated between 1953 and 1961, remain in place. In addition other longtime noncitizen residents, including hundreds of thousands of ethnic Shan and tens of thousands of tribal members, officially are required to seek permission from local authorities or the army for foreign and domestic travel. In practice authorities rarely enforce these restrictive measures. Registered resident aliens move freely within the country.

The Government limits the sectors and provinces in which migrant workers may hold jobs.

The Government deported thousands of migrant workers and families during the year. However, NGO's reported that a large number of those deported later returned to the country.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There is no legislation regarding the treatment of refugees. However, the Government continued to provide first asylum to a small number of Lao asylum seekers. The Government continued to allow the U.N. High Commissioner for Refugees (UNHCR) to monitor and provide protection to 130,000 Burmese refugees--designated by the Government and the UNHCR as displaced persons--in 10 camps along its frontier with Burma. However, the Government prohibits the UNHCR from maintaining a permanent presence in the border camps.

Along the border with Burma, the Government generally followed its policy of providing first asylum to new displaced arrivals. Provincial screening committees determine eligibility to enter the refugee border camps based upon very narrow criteria, limited to those who flee actual fighting rather than on broader grounds of persecution on the basis of race, religion, ethnic group, social class, or political opinion.

During the year, several thousand new Burmese arrivals claiming to fear persecution were granted temporary shelter in the country as displaced persons. Several thousand more whose applications for shelter were rejected and who are appealing remain in camps monitored by the UNHCR. In August the Government announced and then postponed plans to forcibly repatriate up to 5,000 "screened-out" asylum seekers. In November 63 Karen asylum seekers were involuntarily returned to the Mon cease-fire zone. Although it had been given access to these persons, the UNHCR was not invited to the Admissions Board hearings on the cases. The Government subsequently apologized to the UNHCR for the omission.

In June and August 2000, the Government forcibly repatriated 116 Burmese deemed ineligible for assistance in the camps. The UNHCR unsuccessfully appealed on behalf of those asylum seekers. Most of those returned to Burma reportedly returned to the camps. After the October 1999 takeover of the Embassy of Burma in Bangkok by Burmese dissidents, the Government accelerated the pace of third-country resettlement of Burmese "student" refugees housed in the Maneeloy Burmese Center located in Ratchaburi province. Since then more than 1,900 have been resettled in 9 countries, reducing the current registered refugee population to fewer than 100 persons.

The Government also continued to allow NGO's to provide food, medical services, housing, and other services to Burmese refugees near the border. However, similar NGO aid to ethnic Shan refugees fleeing from forced relocation and occasional fighting in Shan State, Burma, was not allowed. The Government and the UNHCR do not extend displaced person status to the large number of members of the Shan ethnic minority who have crossed the border but who have not requested refugee status. Government officials periodically arrested Burmese outside designated camps as illegal aliens, including some recognized as "persons of concern" by the UNHCR.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to choose or change their government peacefully through free and fair elections based on universal suffrage. The country is a democratically governed constitutional monarchy that until 1992 had a history of military coups and powerful bureaucratic influences on political life. Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but has never used his constitutionally mandated power to veto legislation or dissolve the elected bicameral Parliament. Voting is compulsory. Eligible voters who fail to exercise their voting responsibilities, except for those excused, are subject to the loss of certain rights, including the right to be a candidate in future elections. However, the Constitution prohibits Buddhist monks and nuns from seeking public office. Parliamentary elections were held in January. The election process generally was viewed as free and fair; however, it was marred by widespread vote buying, a recurrent problem. Exercising its constitutional mandate to prevent election fraud, the Election Commission dismissed polling results and held a total of five rounds of revotes in 72 constituencies due to "election irregularities." Peaceful transitions have marked all changes of government since 1992. There also were 25 killings of political canvassers during the campaign leading up to the elections, at least some of which were politically motivated (see Section 1.a.). The coalition Government of Prime Minister Thaksin Shinawatra's Thai Rak Thai Party was formed in February following the general election.

In August 2000, the first directly elected Senate took office. The Senate election required multiple rounds of voting for some districts because the Election Commission voided some results due to perceived irregularities such as evidence of vote buying. In October 2000, the Constitutional Court ruled that the Election Commission could disqualify a candidate whom the Commission finds guilty of electoral irregularities.

While there are no legal restrictions on their political participation, the percentage of women in government or politics does not reflect accurately their numbers in the population, especially at senior levels in the national government. There are 48 women among the 500 members of the House of Representatives, and 20 women in the 200-member Senate. There are 3 women on the 36-member Cabinet. Although over half of civil service employees are women, relatively few hold senior positions.

No laws prohibit the political participation of ethnic minorities, but few hold positions of authority in national politics. Muslims from the south hold significant elected posts in the Government, although they continue to be underrepresented in appointed local and provincial government positions. There are 8 Muslim Senators and 24 Muslim Members of House of Representatives, including Communications Minister Wanmuhammadnor Matha. Two Members of Parliament are hilltribesmen.

Noncitizen members of hilltribes are barred from participating in the political process (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally work without government restriction, investigating and publishing their findings on human rights cases freely. Government officials generally were cooperative and responsive to their views; however, at times the Government hindered the activity of a few human rights groups.

Very few NGO's are accorded tax-exempt status, and this sometimes hampers the ability of domestic human rights organizations to secure adequate funding.

In June the National Countercorruption Commission found two Telephone Organization of Thailand (TOT) technicians responsible for criminal and disciplinary violations in connection with the wiretap surveillance of Wira Somkwamkhit, Chairman of the People's Rights Protection Group, an anticorruption NGO. Wira had been investigating corruption charges against then-Deputy Prime Minister Sanan Khrachonprasat, who was forced to resign after the Commission found that he had falsified financial statements. The Commission had not referred the TOT employees' cases to the TOT or prosecutors for further action, and was unable to identify the person who ordered the wiretaps, by year's end (see Section 1.f.).

The 11-member National Human Rights Commission (NHRC) convened for the first time in July. The Commission operates as a separate government entity to prepare an annual evaluation of the human rights situation for the National Assembly, propose policies and recommendations for amending laws to the National Assembly, promote measures to educate citizens on human rights, and investigate human rights abuses. Modest staffing and resources as well as the lack of power to prosecute or punish violators are expected to hamper its ability to carry out its mandate.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law without respect to race, sex, religion, disability, language, or social status; however, in practice some discrimination exists, and government enforcement of equal protection statutes is uneven.

Women

Domestic abuse continues to be a serious problem affecting the welfare of many women; reliable reports indicate that domestic abuse occurs across all social classes. Specific laws concerning domestic violence have not been enacted. Spousal and child abuse are covered by assault provisions in the Criminal Code, but rules of evidence often make prosecuting such cases difficult. Police do not enforce laws against such violence vigorously, and domestic violence often goes unreported, because many victims and law enforcement personnel continue to regard domestic abuse as a private matter rather than a legal one. NGO-supported programs designed to aid victims include emergency hot lines, temporary shelters, counseling services, and a television program designed to increase awareness of domestic violence, HIV/AIDS, and other issues involving women. The Government's "one-stop" crisis centers, which are located in state-run hospitals, continued to care for abused women and children, but faced budget difficulties.

Rape is illegal. However, a husband may not be prosecuted for spousal rape. In 1998 the Government proposed changes to the law that would redefine the term rape to include marital rape. There has been no action on the proposal.

According to academics and women's rights activists, rapes and domestic assaults are underreported, in part because law enforcement agencies widely are perceived to be incapable of bringing perpetrators to justice. Police have sought to change this perception and encourage women to report sexual crimes through the use of teams of female police officers that operate in metropolitan Bangkok police stations, with a total of 20 female investigators. The police expanded this program to three provinces by adding an additional nine female officers.

Prostitution is illegal but flourishes. It is culturally ingrained and often is protected by local officials with a commercial interest in it (see Sections 1.c., 6.c., and 6.f.). Trafficking in women and children for prostitution is a serious problem (see Section 6.f.). Government and NGO estimates of the number of women and children engaged in prostitution vary widely. Many NGO's and government departments report a figure of 200,000 persons, which is considered a conservative estimate. This figure includes children under 18 years of age and

foreigners. There were reports that women were forced into prostitution in border areas, but the number of such cases is difficult to determine. The majority of prostitutes are not kept under physical constraint, but a large number work under debt bondage (see Sections 6.c. and 6.f.). The 1996 Prostitution Prevention and Suppression Act makes child prostitution illegal and states that customers who patronize child prostitutes are subject to criminal sanctions. Parents who allow a child to enter the trade also are subject to criminal sanctions, but the number of prosecutions remains low. NGO's and government agencies provide shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

Sex tourism is a problem (see Section 6.f.).

The Labor Protection Law makes sexual harassment illegal, but covers only persons working in the private sector. NGO's claim that the term is vague and that such ambiguity makes the prosecution of harassment claims difficult. No sexual harassment cases were prosecuted under the law during the year.

The Constitution provides women with equal rights and protections, but some inequalities in the law remain. A man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband has acknowledged publicly another woman as his wife.

Women have equal access to higher education, and more than half of university graduates each year are women. However, police and military academies (except for the nursing academy) do not accept female students, although a significant number of instructors at the military academies are women. Women constitute 44 percent of the labor force and hold an increasing share of professional positions. Women also are able to own and manage businesses freely. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, discrimination in hiring is common, and there is a significant gap between the average salaries earned by men and women, because women are concentrated in lower paying jobs. In practice women also receive lower pay for equal work in virtually all sectors of the economy.

The Constitution specifies that at least one-third of the members of the National Human Rights Commission be women; 5 of the 11 current commissioners are women. The Women and Constitution Network, a league of 35 women's organizations, advocates for legal reforms to address legal inequities in the treatment of women. It continues to play an important role in securing the inclusion of gender-equality clauses in legislation that create new government organizations mandated by the 1997 Constitution.

Children

In recent years, the Government took steps to promote the rights and welfare of children. The Constitution provides for the right of access to free public education through grade 12, and the Government mandates 9 years of compulsory education. However, only an estimated 23 percent of children complete grade 6, and 10 percent complete grade 12. The Government's 1997 Social Welfare Plan for Underprivileged People doubled the budget for children's programs for 1997-2001, compared with the previous 5-year plan. The 2002-2006 plan is scheduled to be released in January 2002. Although special juvenile courts and detention centers exist in 34 provinces, children are tried in the same courts and detained with adults in the rest of the country.

The Criminal Code provides for the protection of children from abuse, and laws on rape and abandonment provide for harsher penalties if the victim is a child. However, as with domestic abuse, police are reluctant to investigate abuse cases, and rules of evidence make prosecution of child abuse cases difficult. In September 2000, legislation designed to protect witnesses, victims, and offenders under the age of 18 came into effect. The new procedures allow children to testify on videotape and in private surroundings in the presence of a psychologist, psychiatrist, or other social worker. However, some judges refused to allow video testimony in their courts. Persons charged with pedophilia are charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Trafficking in children, including for prostitution, is a serious problem (see Sections 6.c. and 6.f.). Pedophilia, both by citizens and by foreign sex tourists, continues. The Government, university researchers, and NGO's estimate that there are as many as 30,000 to 40,000 prostitutes under the age of 18. The Prostitution Prevention and Suppression Act of 1996 made child prostitution illegal and provided for criminal punishment for those who use child prostitutes. Parents who allow a child to enter the trade also are punishable. There had been no prosecutions under the law by year's end.

Child labor remains a problem, and some international organizations, government-funded research organizations, and news media continued to report on the large number of children leaving school for economic reasons (see Section 6.d.).

The Department of Public Welfare and the International Labor Organization-International Program for the Elimination of Child Labor (ILO-IPEC) estimate that as many as 20,000 children live in the streets of the major urban centers. Many are thought to come from neighboring countries, including Cambodia and Burma. Although the Bangkok authorities attempt to provide shelters, resources are inadequate and many of the children reportedly avoid the shelters for fear of being detained and expelled from the country.

Persons With Disabilities

The law provides for access to public facilities and prohibits employment and education discrimination against persons with disabilities; however, the Government has not enforced these laws effectively. An estimated 145,000 children with disabilities attend school, with approximately 130,000 enrolled in about 4,000 regular public schools equipped to accommodate students with physical disabilities. Nationwide, there are 8 government-operated and 15 NGO-operated training centers for persons with disabilities. However, with little education, very few adults with disabilities are able to find employment. Many of those who do find employment are subjected to wage discrimination. The law requires that private firms hire 1 person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision has not been enforced since it came into effect in 1991. Government officials estimated that 30 percent of firms disregard the law. Some state enterprises have discriminatory hiring policies.

The Constitution mandates access to public buildings for persons with disabilities, but laws implementing the provisions have not yet been enacted. The 1999 regulation that makes compliance mandatory was not enforced during the year. Persons with disabilities who register with the Government are entitled to free medical examinations, wheelchairs, and crutches.

Religious Minorities

There were no reports of violence against members of religious minorities, but some societal discrimination remains. Muslims, who represent up to 10 percent of the country's population nationwide and constitute the majority in four of the five southernmost provinces that border Malaysia, experienced some discrimination. The Government continued to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities.

Indigenous People

Members of hilltribes without proper documentation, who account for approximately half the estimated 700,000 to 880,000 such persons, still face restrictions on their movement, may not own land, and are not protected by labor laws, including minimum wage requirements. They sometimes are denied adequate education and health care. Those residing in national parks or wildlife sanctuaries are subject to eviction. As noncitizen residents, they also are barred from participating in the political process (see Section 3). In May 2000, the MOI redefined the category of hilltribe residents eligible for citizenship to include previously undocumented tribal persons, now collectively called "highlanders." The new definition includes persons who formerly were defined either as indigenous or migrants. The new regulations ease the requirements to establish citizenship by allowing a wider range of evidence, including testimony from references, and empowering local officials to decide cases. In August the Government extended for 1 year until August 2002 the time it would allow for citizenship processing for certain groups of resident alien hilltribe members.

Societal discrimination against hilltribe members, arising from widely held beliefs that they are involved in drug trafficking and environmental degradation, continued. Hilltribes occasionally were subjected to indiscriminate searches of villages for illegal drugs (see Section 1.f.).

National/Racial/Ethnic Minorities

The Sino-Thai population is well integrated and does not face discrimination. However, about 50,000 former Chinese soldiers and dependents of a Kuomintang army that fled China after the Communist takeover and approximately 45,000 Vietnamese immigrants who reside in 5 northeastern provinces live under a set of laws and regulations that restrict their movement, residence, education, and occupation; however, these laws rarely are enforced (see Section 2.d.). According to Government sources, over 22,600 children of Vietnamese immigrants and 6,209 children of Chinese Kuomintang immigrants from these groups have been naturalized. The Ministry of Interior suspended this program in December 1999, leaving many cases unresolved.

Section 6 Worker Rights

a. The Right of Association

The 1975 Labor Relations Act grants freedom of association to all private sector workers, who have the right to form and join unions of their choosing without prior authorization. However, no law explicitly protects from discrimination workers who have participated in organizing new unions that have not been registered officially. Union leaders reported that employers often discriminate against workers seeking to organize unions. During the year, employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of new unions. The Government had not amended this legislation by year's end.

In 2000 the International Confederation of Free Trade Unions criticized a draft revision of the Labor Relations Act, because of its limits on the right to strike in "essential services." The Department of Labor's subsequent revisions, which are designed to protect workers from dismissal because of union organizing activities and to prohibit the employment of replacement workers during strikes, awaited presentation to the new Parliament at year's end.

The State Enterprise Labor Relations Act (SELRA) provides public sector employees in state enterprises the same rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state-enterprise workers.

Less than 2 percent of the total work force, but nearly 11 percent of industrial workers, are unionized. Cultural traditions, unfamiliarity with the concept of industrial relations, efforts by the Government to diminish union cohesiveness, and the share of total employment that is agricultural often are cited as reasons for low rates of labor organization.

State enterprise unions do not have the right to join private sector federations. However, unofficial contacts between public and private sector unions continue, and the Government has not interfered with these relationships.

The Government has the authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large; however, it seldom invokes this provision and did not do so during the year. Labor law also forbids strikes in "essential services," which is defined much more broadly than in the International Labor Organization (ILO) criteria, and includes sectors such as telecommunications, electricity, water supply, and public transportation as essential services. The law also prohibits termination of employment of legal strikers; however, some employers use unfavorable work assignments and reductions in work-hours and bonuses to punish strikers. No strikes were disapproved during the year, and five legal strikes were held.

Some corrupt private sector union leaders have been exploited by politicians or employers, but public unions generally operate independently of the Government and other organizations. Internal conflicts, corruption, and a lack of influential leadership continued to weaken the labor movement.

Unions are free to associate internationally with other trade union organizations, and they maintain a wide variety of such affiliations.

b. The Right to Organize and Bargain Collectively

The Labor Relations Act recognizes the right of private sector workers to organize and bargain collectively; to decide on the constitutions and rules of these associations and unions; to express their views without government or employer interference; to confederate with other unions; to receive protection from discrimination, dissolution, suspension, or termination by any outside authority because of union activities; and to have employee representation in direct negotiations with employers. The Labor Relations Act defines the mechanisms for collective bargaining and for government-assisted conciliation and arbitration in cases under dispute. In practice genuine collective bargaining occurs only in a small fraction of workplaces and in most instances continues to be characterized by a lack of sophistication on the part of worker groups and autocratic attitudes on the part of employers. Wage increases for most workers come as a result of increases in the minimum wage, rather than as a result of collective bargaining. The process of setting minimum wages locally through provincial tripartite committees may further limit union influence; many of these provincial committees have excluded labor representatives and have placed factory managers on the wage committees to represent worker interests. The Government sets wages for both civil servants and state-enterprise employees under SELRA.

The law prohibits antiunion actions by employers; however, it also requires that union committee members be full-time employees of the company, which makes them vulnerable to employers seeking to discipline workers who serve as union officials or who attempt to form unions.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector. Workers also may seek redress for grievances through the Tripartite Labor Relations Committee. Redress of grievances for state-enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders who are dismissed unjustly usually are awarded only monetary compensation.

In February, 23 staff members of the iTV television station were fired after the employees formed a union and publicly complained of political interference in editorial content. The station's management cited breach of company regulations and restructuring as the basis for the firings. The employees were ordered reinstated by the Labor Relations Committee. The television station, partially owned by the Prime Minister's family, appealed the decision to the Labor Court, where a decision was pending at year's end. In May the ILO's Committee on Freedom of Association accepted the case (see Section 2.a.).

No separate labor legislation applies in the nine export processing zones, in which wages and working conditions often are better than national norms because of the preponderance of foreign-based multinational firms.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor except in the case of national emergency, war, or martial law; however, while these provisions generally are enforced in the formal sector, forced labor in the informal sector remains a problem. The law specifically prohibits forced or bonded labor by children; however, such labor is known to occur (see Section 6.d.). During the year, there were reports of sweatshops in which employers prevented workers from leaving the premises. There are no estimates of the number of such sweatshops, but the growing number of illegal aliens from Burma, Cambodia, and Laos increases the opportunities for such abuse. Trafficking in women and children for the purpose of prostitution also remains a serious problem (see Section 6.f.). Allegedly thousands of underage boys and girls are trafficked into the country for labor other than prostitution, including to work on farms and in sweatshops. Also, begging gangs in Bangkok use very young children.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment is 15 years of age. The law permits the employment of children between the ages of 15 and 18 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is restricted. The employment of children at night (from 10 p.m. to 6 a.m.), or in places in which alcohol is served, is prohibited by law. It is estimated that approximately 1 million children nationwide work on family farms. NGO's report that 2 to 4 percent of children between the ages of 6 and 14 work illegally in urban areas; such children are at risk of becoming victims of other abuses of labor laws. Most underage workers in urban areas work in the service sector, primarily at gasoline stations and restaurants. Underage workers also are employed as domestic servants. Child labor is not evident in larger foreign-owned or domestic export-oriented factories. However, no comprehensive survey of child labor in smaller enterprises exists, since NGO's do not have access to shop house factories.

The Department of Labor employed 803 full-time inspection officers during the year. Enforcement of child labor laws is not rigorous, and inspectors usually respond only to specific public complaints, reports of absences by teachers, or reports in newspapers. Their inclination when dealing with violators is to negotiate promises of better future behavior, rather than to seek prosecution and punishment. The law prohibits all forms of child labor and implicitly includes forced or bonded labor by children (see Section 6.c.). The Government attempted to address the problem of child labor in August 1999 by promulgating the National Education Act. The Act raised the compulsory educational requirement from 6 to 9 years, and offers 12 years of free education. Enforcement of the new provisions is to begin in August 2002 (see Section 5). Observers believe that the problem of child labor in industry has diminished due to enforcement of recent laws and increased public scrutiny. However, according to local NGO's and the ILO, the problem of street children (often foreign) working as beggars for organized gangs appears to be increasing (see Section 6.c.).

The Government ratified ILO Convention 182 on the Worst Forms of Child Labor in February; however, the worst forms of child labor are a problem. The 1998 Labor Protection Act codifies the worst forms, and in October, under the auspices of ILO-IPEC, the Government committed to a "time-bound" project to eradicate the worst forms of child labor by an, as yet, undetermined date.

The law specifically prohibits forced or bonded labor by children; however, forced child labor is a problem (see Section 6.c.).

The country is both a source, transit point, and destination for trafficked children (see Section 6.f.).

e. Acceptable Conditions of Work

The minimum wage ranges from \$3.01 to \$3.71 (133 to 165 baht) per day, depending on the cost of living in various provinces. This wage is not adequate to provide a decent standard of living for a worker and family. With extended family members' financial contributions, the minimum wage provides the basis for a marginally adequate overall standard of living. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements; however, nationwide, more than half of workers receive less than the minimum wage, especially those in rural provinces. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum-wage laws is mixed.

Unskilled migrant workers as well as illegal aliens often work for wages that are significantly lower than the minimum wage. Many labor laws, including the minimum wage, do not apply to undocumented workers, primarily hilltribe members and illegal aliens.

The Government mandates a uniform maximum workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in "dangerous" work, such as in the chemical, mining, or other industries involving heavy machinery, legally may work a maximum of 35 hours per week. The petrochemical industry is excluded from these regulations.

Working conditions vary widely. The rate of injury from industrial accidents has remained relatively constant over the last 10 years at 4.5 percent of the total work force. The MOL stated that the average annual rate of work-related deaths was 15 per 100,000 workers. Occupational diseases rarely are diagnosed or compensated, and few doctors or clinics specialize in occupational diseases. In medium-sized and large factories, government health and safety standards often are applied, but enforcement of safety standards is lax. In the large informal sector, health and safety protections are substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers with prohibitions on working night shifts, overtime, or holidays, as well as for those working with dangerous machinery or on boats.

The Ministry of Labor and Social Welfare promulgates health and safety regulations regarding conditions of work. Labor inspectors are responsible for enforcement of health and safety regulations; the maximum penalty for violations is 6 months' imprisonment. Provisions in the Labor Protection Law include the establishment of welfare committees, which include worker representatives, in factories employing over 50 persons. These committees are to set and review health and safety conditions in each factory. There is no law affording job protection to employees who remove themselves from dangerous work situations.

Courts continued to hear testimony in the case of the 1993 Kader Toy Factory fire.

Work permits for immigrant laborers initially are granted for 1 year, and routinely are extended for a 2nd year. The Government deported 211,729 illegal workers during the year, most of them to Burma. The press criticized this program as ineffective, and NGO's reported that a large number of those deported return soon thereafter. In September the Government undertook a registration campaign directed at the estimated 800,000 illegal Burmese, Cambodian, and Lao workers already present in the country. Registration would allow the workers to remain for up to 1 year, after which a review would be conducted to determine if citizen workers were available for the migrant's position. Those who registered were to be protected by labor law regulations and be given limited health insurance benefits. Restrictions on vocations and geographic areas open to foreign laborers also were lifted.

f. Trafficking in Persons

The law prohibits trafficking in women and children; however, trafficking in persons is a serious problem. The country is a source, transit, and destination for trafficking in women and children for a variety of purposes, including indentured servitude, forced labor, and prostitution (see Section 5). Some local officials, immigration officers, and police reportedly either are involved in trafficking directly or take bribes to ignore it.

Government and NGO estimates of the number of women and children engaged in prostitution in the country vary widely. Many NGO's and government departments report a figure of 200,000 persons, which is considered a conservative estimate. This figure includes children under the age of 18 and foreigners. The number of victims of trafficking not involved in prostitution and including men, women, and children is unknown but believed to be substantial.

Within the country, women are trafficked from the impoverished Northeast and the North to Bangkok for sexual exploitation. Thai women also are trafficked internationally to Japan, Taiwan, Australia, Europe, and the United States, chiefly for sexual exploitation, but also for sweatshop labor. Men also are trafficked into the country for farm, industrial, and construction labor. Women and men are trafficked from Burma, Cambodia, the PRC, and Laos into the country for labor and sexual exploitation. Boys and girls are trafficked chiefly from Burma and Cambodia primarily for sexual exploitation and to work in begging gangs. Young children, either orphans or those sold by their families, are among them. For example, very young Cambodian children are run by begging gangs in Bangkok. Occasionally entire families are trafficked for labor in sweatshops. Underage boys reportedly are brought into Thailand for specialized work in which small size is an advantage. Vietnamese and Russian citizens also reportedly were trafficked to Thailand in smaller numbers. According to domestic NGO's, girls between the ages of 12 and 18 continued to be trafficked from Burma, southern PRC, and Laos to work in the commercial sex industry. Persons trafficked from the PRC generally were in transit to other countries. As many as 8,000 women were trafficked from Russia, Ukraine, and other former Soviet Republics for work in the sex industry in the country by year's end.

NGO's believe the lack of citizenship status for some hilltribe women and children is a strong risk factor for becoming victims of trafficking.

Impoverished families send or sell children to traffickers, often a neighbor, a local official, or some other respected local person. Sometimes villagers see the local traffickers as friends offering a way out of poverty. Typically, local traffickers feed persons into larger networks, after which they exercise no further control and hear no more of them. Traffickers may misrepresent the type of work and working conditions, and victims may find themselves forced to remain and work in the border areas. Some women who contract for other kinds of work find themselves coerced into the sex trade. Indentured work, both sex work and other labor, is also a problem.

Trafficking through the country to onward destinations tends to be conducted by citizens of the PRC and other international organized criminals. Trafficking into and within the country generally is conducted by Thai criminal elements.

There continue to be credible reports that some corrupt police, military, and government officials are involved directly in trafficking or taking bribes to ignore it (see Sections 1.c., 5, and 6.c.). Police personnel are poorly paid, and widely accustomed to taking bribes to supplement their income. There were no recorded arrests of police or military officials for violations of trafficking or prostitution laws during the year.

The majority of prostitutes are not kept under physical constraint, but a large number work in debt bondage. Brothel procurers reportedly advance parents a substantial sum against their daughter's future earnings, frequently without the consent of the young woman involved. The women are then obligated to work in a brothel to repay the loan.

Many Thai women are trafficked to Japan for purposes of sexual exploitation. Traffickers promise victims lucrative legitimate employment, or make false promises regarding wages, working conditions, or the nature of the work. According to Human Rights Watch, upon their arrival in Japan the traffickers confiscate the victims' passports, demand repayment for their "purchase," and charge the victims for living expenses, care, and fine them for misbehavior. Traffickers often restrict the women's movements, threaten them and their families, isolate them, and use violence to punish them for disobedience.

The 1997 Prevention and Suppression of Trafficking in Women and Children Act increased the penalties for trafficking in women and children for the purposes of prostitution or slave labor, and provided for wide powers of search and assistance to victims. The authorities occasionally utilized these powers during the year, but the number of prosecutions remained minimal. A money-laundering law, which became effective in August 1999, and included provisions to enable authorities to confiscate the assets of persons convicted of trafficking or engaging in the business of prostitution. NGO's and government agencies continued to provide shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry during the year.

Because foreign women frequently are unable to speak the Thai language and are considered illegal immigrants, they particularly are vulnerable to physical abuse and exploitation. Some women are lured into the country with promises of jobs as waitresses or domestic helpers, but end up working as prostitutes. Illegal immigrants have no rights to legal counsel or health care if arrested (see Section 2.d.). The amnesty provisions available under UNHCR auspices do not apply to such women. In June 1999, a memorandum of understanding (MOU) between the Government and several domestic NGO's provided for some detailed police procedures to assist with the problem of trafficked persons being detained by the authorities. The agreement stated that the training of police officers would include instructions to treat such persons as victims of human trafficking rather than as illegal immigrant workers. Rather than being deported, they become the responsibility

of the Public Welfare Department. However, implementation of the MOU was erratic, due to insufficient training of law enforcement officials and their unfamiliarity with the law.

Illegal immigrants generally are repatriated as soon as possible; however, in order to implement the new policy of special treatment for victims of trafficking, Department of Public Welfare (DOPW) officials try to pick up underage and illegally entered women arrested for prostitution and house them in one of the government shelter houses. Repatriation is delayed, but not canceled. Victims are encouraged to seek legal action against the traffickers, and they are told by DOPW personnel at the shelters that this is an option. In October nine underage girls from China and Burma, who had been discovered during police raids on sex venues, testified against alleged traffickers in Chiang Mai. However, in general, however, trafficking victims are reluctant to assist in prosecution. This is due to mistrust of the authorities and fear of the traffickers, as well as the victim's limitations in education and language.

The Government faces severe budgetary limitations on its ability to fight trafficking and to aid its victims. Nevertheless, it maintains shelters for trafficked women. Two national committees are directed and empowered to combat trafficking, and these committees coordinate and cooperate with NGO's, as well. The National Committee on Trafficking in Women and Children (NCTWC) is primarily concerned with counter-trafficking efforts within the country, while the National Project Committee on Trafficking in Women and Children in the Mekong Subregion focuses on regional efforts. Local enforcement officers are sometimes ignorant of new laws and regulations designed to protect victims and ignorant of the special requirements of antitrafficking work. Also, police officers do not view antitrafficking as a path to advancement because their superiors do not emphasize it. Narcotics and serious crime are the preferred career concentrations, while the attitude that trafficking also qualifies as serious crime is only slowly developing. Another barrier for stricter enforcement is the court system, which can be cumbersome and time consuming.